

fever, diphtheria, measles, smallpox, pneumonia, or any disease which impoverishes the blood.

On June 27, 1934, the defendant entered a plea of nolo contendere, and the court imposed a fine of \$200.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22606. Misbranding of witch hazel. U. S. v. 70 Bottles, et al., of Witch Hazel. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 32041, 32419. Sample nos. 67058-A, 67613-A, 67614-A.)

Examination of the witch hazel involved in these cases showed that the labeling contained unwarranted curative and therapeutic claims.

On February 27 and March 27, 1934, the United States attorney for the Middle District of Pennsylvania, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 171 large bottles and 53 small bottles of witch hazel at Scranton, Pa., alleging that the article had been shipped in interstate commerce by the Hallock-Denton Co., from Newark, N. J.; that portions had been shipped in various shipments on or about May 24 and September 13, 1932, November 29 and December 15, 1933, and January 15, 1934; that the remainder had been shipped at some time prior to 1933; and that the article was misbranded in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it was distilled extract of witch hazel.

It was alleged in the libels that the article was misbranded in that the following statements appearing on the labels, regarding its curative or therapeutic effects, were false and fraudulent: (Bottle, large size) "For the relief of \* \* \* Wounds, Painful Swellings, Lamè Back, Piles, Sore Throat \* \* \* Rheumatism \* \* \* &C &C. Directions For all external inflammation bathe freely with the extract and if convenient apply a cloth wet with the extract and keep it moist until relieved. \* \* \* For open wounds, ulcers, old sores, sore nipples, sore eyes &C dilute one half with pure water and use in the same way"; (bottle and carton, small size) "A valuable remedy for the relief of rheumatism \* \* \* piles, ulcers, sore feet, and in all cases where an external remedy is required. For internal disease take from ten to thirty drops in a little cold water."

On August 21, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22607. Misbranding of Phyllosan. U. S. v. 35 Bottles and 107 Bottles of Phyllosan. Default decrees of condemnation, forfeiture, and destruction.** (F. & D. nos. 32782, 32783. Sample nos. 11326-A, 11333-A.)

This case involved shipments of Phyllosan, the labels of which bore unwarranted curative and therapeutic claims.

On May 28, 1934, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 142 bottles of Phyllosan at New York, N. Y., alleging that the article had been shipped in interstate commerce, on or about May 2 and May 9, 1934, by J. G. McElvie, from Ramsey, N. J., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of extract of plant material, chiefly chlorophyll, and inorganic material, chiefly calcium phosphate.

It was alleged in the libel that the article was misbranded in that the following statements in the labeling were statements regarding the curative or therapeutic effects of the article, and were false and fraudulent: (Carton) "Stimulates Blood Making Organs Builds Red Blood Invigorates and Energises \* \* \* Resulting in marked and progressive improvement \* \* \* The Improvement Under its use is Marked and Progressive"; (bottle) "Builds Red Blood Stimulates Blood Making Organs Increases the number of red cells and the Hemoglobin \* \* \* Improves Metabolism Phyllosan is readily

absorbed into the blood \* \* \* resulting in marked and progressive improvement."

On June 15, 1934, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22608. Adulteration and misbranding of whisky. U. S. v. 75 Cases, et al., of Whisky. Consent decrees of condemnation and forfeiture. Product released under bond to be relabeled.** (F. & D. nos. 32739, 32772, 32773, 32781. Sample nos. 41448-A, 72132-A, 72133-A, 72134-A, 72151-A, 72153-A.)

This case involved whisky, labeled "for medicinal purposes" which failed to conform to the specifications of the United States Pharmacopoeia, since it had not been aged for 4 years in charred wood containers, it contained caramel which concealed lack of storage and is specifically prohibited by the pharmacopoeia, and the acidity and esters were less than the minimum required by the pharmacopoeia. The alcohol content was declared as "proof" and not in percentage of alcohol.

On May 21, May 26, and May 29, 1934, the United States attorney for the Eastern District of Missouri, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 242 cases and 140 bottles of whisky at St. Louis, Mo. On May 26, 1934, a libel was filed in the Eastern District of Illinois against 45 cases and 21 bottles of whisky at East St. Louis, Ill. It was alleged in the libels that the article had been shipped in interstate commerce, in various shipments, on or about December 20, 1933, January 12 and February 1, 1934, by the Brown-Forman Distillery Co., from Louisville, Ky., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled, variously: "Old Hawthorne A Blend of Whiskies"; "Old Polk 100 Proof Straight Whisky"; "Major Paul's A Blend of Whiskies"; (all brands) "For Medicinal Purposes Only."

It was alleged in the libels that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia official at the time of investigation, and its own standard was not stated on the label.

Misbranding was alleged for the reason that the statement, "For Medicinal Purposes Only", borne on the labels, was false and misleading and for the further reason that the article failed to bear a statement on the label of the quantity or proportion of alcohol contained therein. Misbranding was alleged with respect to a portion of the article for the further reason that the statement "Straight Whisky" was false and misleading.

On June 6 and June 7, 1934, the Brown-Forman Distillery Co., Louisville, Ky., claimant, having admitted the allegations of the libels and having consented to the entry of decrees condemning and forfeiting the product, judgments were entered finding the product adulterated and misbranded, and ordering that it be released to the claimant upon payment of costs and the execution of bonds totaling \$5,500, conditioned that it should not be sold or disposed of until relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**22609. Misbranding of Rabbit Supto. U. S. v. Supto Manufacturing Co. Plea of guilty. Fine, \$10 and costs.** (F. & D. no. 32119. Sample no. 36618-A.)

Examination of the drug product involved in this case showed that it contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 6, 1934, the United States attorney for the Southern District of Iowa, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Supto Manufacturing Co., a corporation, Des Moines, Iowa, alleging shipment by said company, in violation of the Food and Drugs Act as amended, on or about March 15, 1933, from the State of Iowa into the State of Illinois, of a quantity of Rabbit Supto which was misbranded.

It was alleged in the information that the article was misbranded in that the following statements appearing on the can label, regarding the therapeutic